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REMARKS

Claims 1, 3-7, 9-33, 35, 42-44, 46-66, 74-77, 82-88, and 91-97 are pending in this application. Of these, claims 11-13, 42-44, 46-66, 74-77, 82-88 and 91-97 are canceled herein; Applicants intend to prosecute these canceled claims in a later continuing application. Following cancellation of these claims, the claims remaining for prosecution in the present application are 1, 3-7, 9-10, 14-33 and 35. All of these claims stand rejected. The following remarks are directed only to these claims.

Reconsideration is respectfully requested in light of the following remarks and amendments.

I. PRELIMINARY REMARKS

In light of the cancellation of claims 11-13, 42-44, 46-66, 74-77, 82-88 and 91-97, inventorship is requested to be corrected herein by deleting the names of Carey V. Campbell, Alvaro J. Laguna, James D. Lewis, and Mark E. Mayrand. This correction leaves David J. Myers as the sole inventor. This request is made by the undersigned practitioner. Please charge the necessary fee under 37 CFR 1.17(i) to our deposit account no. 07-1729.

II. REJECTION OF CLAIMS 86-88, 91 AND 95-97 UNDER 35 USC 102(e).

Claims 86-88, 91, and 95-97 have been rejected under 35 USC §102(e) as being anticipated by Goldfarb (US Patent No. 6,436,135). It is suggested that Goldfarb discloses a tube of PTFE (col. 3, lines 40-55) that is fully capable of having its circumference increase with blood pressure application. The prosthesis is for use as a vascular graft. The graft is fully capable of being adapted for use as an endoluminal graft. The tube has a wall thickness of about 0.25 mm, col. 7, lines 9 and 10. The Examiner suggests that the graft can be construed to have "minimal" recoil since it can be construed that any amount less than 50% is minimal. Applicants respectfully disagree.

In an earnest attempt to facilitate prosecution in this case, Applicants are hereby canceling these claims. Applicants reserve the right to prosecute these in a future divisional application.

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III. REJECTION OF CLAIMS 1, 3-7, 9-17, 19-31, 33, 35, 42-44, 46-66, 74-77, 82-88 AND 91-97 UNDER 35 USC 102(e) OR IN THE ALTERNATIVE UNDER 35 USC 103(a) AS OBVIOUS OVER SHANNON et al., US PATENT 5,641,373, AND REJECTION OF CLAIMS 18 AND 32 UNDER 35 USC 103(a) AS OBVIOUS OVER SHANNON et al. IN VIEW OF HUGHES et al. , US PATENT 4,728,328.

Claims 1, 3-7, 9-17, 19-31, 33, 35, 42-44, 46-66, 74-77, 82-88, and 91-97 have been alternatively rejected as obvious over Shannon et al. (US Patent No. 5,641,373). Further, claims 18 and 32 are rejected under 35 USC §103(a) as being unpatentable over Shannon et al., in view of Hughes et al. (US Patent No. 4,728,328). Further yet, claims 92-94 are rejected under 35 USC §103(a) as being unpatentable over Goldfarb. The rejections are fully addressed individually below: Of these rejected claims, all are now canceled except claims 1, 3-7, 9-10, 14-33 and 35.

These two rejections are based on the Shannon et al. reference.

Applicants are herewith submitting Affidavits of Prior Invention under 37 CFR §1.131. These affidavits, supported by Exhibit A (a copy of laboratory notebook documentation of experimentation) shows invention of the subject matter claimed prior to the effective date of the Shannon et al. reference, April 17, 1995. Submission of these affidavits renders the Shannon et al. reference improper for use as a prior art reference, either alone or combined with any other reference. With respect to the rejections of claims 18 and 32, Hughes et al. by itself cannot be held to teach or suggest all the claim limitations of the present invention. Further, there is no suggestion or motivation, in the Hughes et al. reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the Hughes et al. or to combine Hughes et al. with any other reference teachings to make obvious the present invention.

Applicants believe that in light of the declarations and remarks proffered, these rejection under 35 USC §102(e)/103(a) and 35 USC §103(a) are rendered moot.

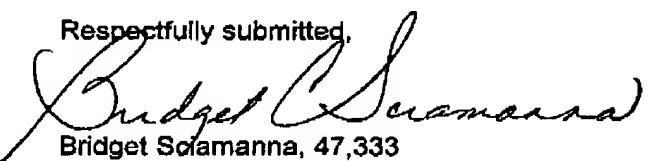
Reconsideration and withdrawal of this rejection is respectfully requested.

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IV. CONCLUSION

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record. Accordingly, favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,


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